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**Boehringer  
Ingelheim**

To: USPTO, Mail Stop Amendment  
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Boehringer Ingelheim  
Corporation

Page 1 of 4

November 8, 2005

**RE: Reply**

Application of: Rainer Walter, et al.  
Art Unit: 1626  
Serial No.: 10/646,495  
Examiner: Anderson, R.  
Conf. No.: 9666  
Filed: August 22, 2003  
For: New Substituted Indolinones, Preparation Thereof and Their Use as  
Pharmaceutical Compositions  
Docket No.: 1/1161-I-D1

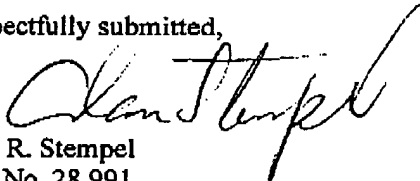
Alan R. Stempel  
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E-Mail  
arstempel@rdg.boehringer-  
ingelheim.com  
900 Ridgebury Rd/P.O. Box 368  
Ridgefield, CT 06877-0368

Dear Sir:

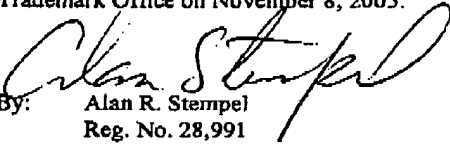
Please find transmitted herewith a Certificate of Transmission, Reply to Office  
Communication (2 pages), a Fee Transmittal for one (1) month, so that it will  
expire on November 11, 2005, together with the necessary fee.

The Commissioner is hereby authorized to charge or credit any fee which may be  
required to Deposit Account No. 02-2955.

Respectfully submitted,

  
Alan R. Stempel  
Reg. No. 28,991

Certificate of Transmission under 37 CFR §1.8  
I hereby certify that this correspondence is being  
facsimile transmitted to the United States Patent and  
Trademark Office on November 8, 2005.

  
By: Alan R. Stempel  
Reg. No. 28,991

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

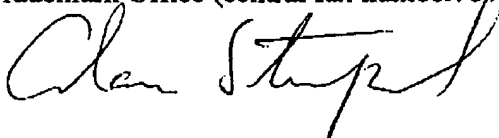
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Application of: Rainer Walter, et al. ) Art Unit: 1626  
Serial No. : 10/646,495 ) Examiner: Anderson, R.  
Filed : August 22, 2003 ) Confirmation No.: 9666  
For : NEW SUBSTITUTED INDOLINONES, PREPARATION THEREOF AND  
THEIR USE AS PHARMACEUTICAL COMPOSITIONS  
Docket No. : 1/1161-1-D1

## Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (central fax number: 571-273-8300) on November 8, 2005.



By: Alan Stempel  
Reg. No. 28,991

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Sir:

In response to the Office action mailed on September 12, 2005, please enter the following elections.

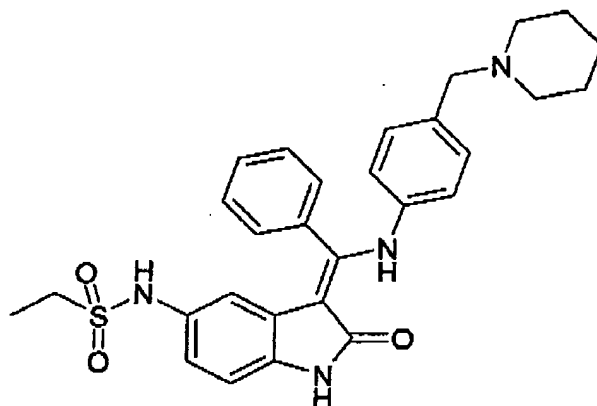
It is hereby petitioned that the period permitted for response be extended by 1 month, pursuant to 37 CFR 1.136(a), so that it will expire on November 11, 2005. The requisite fee is provided by the accompanying Fee Transmittal.

### ELECTIONS

Applicants hereby elect to prosecute claims directed to the invention of Group I (claims 1-13, drawn to products of formula (I), variously classified.

Applicants further elect the following single disclosed species: (Z)-3-{1-[4-(piperidinomethyl)-phenylamino]-1-phenyl-methylidene}-5-ethylsulphonylamino-2-indolinone.

This compound is specifically disclosed in the specification at page 62, in the 1st row of Table II on that page. It has the following structural formula:



These elections are made without traverse.

Respectfully submitted,

Alan Stempel  
Attorney for Applicant(s)  
Reg. No. 28,991

Patent Department  
Boehringer Ingelheim Corp.  
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PTO/SB/17 (12-04)

Approved for use through 07/31/2008. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4810).

## FEE TRANSMITTAL For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$)**120.00**

### Complete If Known

Application Number	10/648,495
Filing Date	August 22, 2003
First Named Inventor	Rainer WALTER
Examiner Name	Rebecca L. Anderson
Art Unit	1626
Attorney Docket No.	1/1161-1-D1

### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 02-2955 Deposit Account Name: Boehringer Ingelheim Corporation

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) ☒ Credit any overpayments

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

#### 2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =		50.00				
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
- 3 or HP =		200.00				
HP = highest number of independent claims paid for, if greater than 3						

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =			250.00	
(round up to a whole number) x				

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: One month extension

**120.00**

#### SUBMITTED BY

Signature		Registration No. 28,991 (Attorney/Agent)	Telephone (203) 798-4868
Name (Print/Type)	Alan R. Stempel		Date November 8, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

11/09/2005 MBINAS 00000029 022955 10646495

01 FC:1251 120.00 DA